

**ENTERED**

November 04, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

JENNIFER WOMACK,

Appellant

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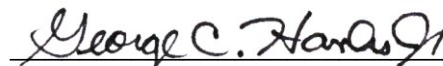
CIVIL ACTION NO. 3:16-CV-88

**ORDER**

Pro se Appellant Jennifer Womack timely moves for a new trial pursuant to Federal Rule of Civil Procedure 59(b), seeking to overturn the Court's dismissal of Appellant's claims for want of prosecution. Dkt. 15. Under Fifth Circuit law, courts "do not grant new trials unless it is reasonably clear that prejudicial error has crept into the record or that substantial justice has not been done, and the burden of showing harmful error rests on the party seeking the new trial." *Sibley v. Lemaire*, 184 F.3d 481, 487 (5th Cir. 1999) (quoting *Del Rio Distributing, Inc. v. Adolph Coors Co.*, 589 F.2d 176, 179 n. 3 (5th Cir. 1979)). Here, Appellant fails to show either prejudicial error or a lack of substantial justice. The Court likewise fails to find either in the record.

Because Appellant has failed to meet her burden, the Court hereby **ORDERS** that Appellant's Motion is **DENIED**.

SIGNED at Galveston, Texas, this 4<sup>th</sup> day of November, 2016.



George C. Hanks Jr.  
United States District Judge